

Joint Committee on Access and Forensic Services
DRAFT Meeting #15 Minutes
Wednesday, October 25, 2017
9:00 a.m.

Winter's Tower, Public Hearing Room 125
701 West 51st Street, Austin, TX 78751

Agenda Item 1: Opening remarks and introductions

The Joint Committee on Access and Forensic Services (JCAFS) meeting was called to order at 9:08 a.m. by Dr. Courtney Harvey, who stepped in for Committee Chair, Donald Lee. Ms. Harvey welcomed everyone to the meeting and proceeded by announcing that agenda item #3: "Election of Chair and Vice-Chair" would be tabled until the next quarterly meeting and that the order of other agenda items that required a vote would be moved up to ensure a quorum of the committee was present. Dr. Harvey then asked committee members to introduce themselves, as well as state staff and members of the public. Donald Lee, Committee Chair arrived at 9:14 a.m. at which point he presided over the meeting.

Mr. John Chacón, Enterprise Facilitation Services Office, Health and Human Services Commission (HHSC), announced that the meeting was being conducted in accordance with the Texas Open Meetings Act, and noted that a quorum was present for the meeting. Table 1 notes Committee member attendance.

Table 1: JCAFS member attendance at the Wednesday, October 25, 2017 meeting.

MEMBER NAME	YES	NO	MEMBER NAME	YES	NO
Allison, Jim	X		Lewis, Kathryn*		X
Burkeen, Honorable Daniel	P		McLaughlin, Darlene MD	X	
Cusumano, Sherry	X		Oncken, Denise	X	
Davis, Susan JD		X	Schnee, Steven PhD		X
Desai, Tushar MD		X	Smith, Shelley	P	
Echessa, Leonard	X		Smith, James	P	
Faubion, Matthew MD	X		Suiter, Honorable Wes	P	
Gentry, Michael		X	Taylor, Sally MD		X
Glazier, Stephen M.		X	Vasquez, Amanda	X	
Harvey, Courtney PhD	X		Wilson, Sheriff Dennis	X	
Holcomb, Valerie	P				
Holstein, Nicholas		X			
Lee, Donald	X				

Yes: Indicates attended the meeting

P: Indicates phone conference call

No: Indicates did not attend the meeting

* Cindy Gibson was in attendance representing Disability Rights Texas pending appointment of a replacement for Kathryn Lewis.

Agenda Item 3: Election of Chair and Vice-Chair

Dr. Harvey announced at the onset of the meeting that this agenda item would be tabled until the next quarterly meeting.

Agenda Item 4: Review and possible action regarding the committee's draft of annual written report to the Executive Commissioner as required by 25 TAC, Chapter 411, Subchapter A

Ms. Tamara Allen reviewed the committee's draft of the annual report to the Executive Commissioner and referenced handout entitled "Joint Committee on Access and Forensic Services (JCAFS): 2017 Annual Report". Highlight of the discussion included:

- Committee member stated that it was appreciated that the draft went out prior to the meeting and the recap of the recommendations was presented.
- Committee member voiced ongoing concern regarding the large numbers of individuals with mental illness in county jails. These individuals need treatment services, and the costs of incarceration in the absence of appropriate treatment is a financial burden on local jurisdictions.
- The process for transmission of this report was included in the motion to approve set report that would involve preparing a letter or email for transmission.

MOTION 1:

Mr. Jim Allison moved to adopt annual report with edits from committee members to include authorization of Committee Chair to transmit report to HHS leadership. Sheriff Dennis Wilson seconded the motion. The Committee members unanimously approved the adoption of the JCAFS: 2017 Annual Report by voice vote and e-mail vote for those members joining via teleconference, with no nays and no abstentions.

Agenda Item 2: Approval of minutes from July 26, 2017 Joint Committee meeting

Mr. Donald Lee noted that a quorum was present and asked for a motion to approve minutes from the previous meeting.

MOTION 1:

Sheriff Dennis Wilson moved to approve the minutes from the July 26, 2017 Joint Committee meeting with an edit reflecting that committee member Amanda Vasquez was present by phone. Ms. Denise Oncken seconded the motion. The Committee members unanimously approved meeting minutes by voice vote and e-mail vote for those members joining via teleconference, with no nays and no abstentions.

Agenda Item 5: Update on access and capacity issues

Ms. Tamra Boyd-Ostrout provided an update on access and capacity issues and referenced a PowerPoint entitled "Forensic and Civil Data." Highlights of the update and committee member discussion included:

- Committee members noted that it was difficult to place the data in context without trend data. Rather than presenting point-in-time data, it would be helpful to have trend data in tabular format as well as the chart provided. There were also questions about differences in numbers from the previous meeting's data and suggestions for additional data elements. Ms. Boyd-Ostrout reviewed the different types of waiting lists and explained that the Inpatient Care Waitlist report (for civil patients) was not designed to produce trending data. However, HHSC will consider the data requests identified during the discussion and develop an alternative reporting format for the next meeting to provide information that will be more meaningful for the committee.

- Many stakeholders do not understand how the Clearinghouse works, including when a person is added to the Clearinghouse or Maximum Security Unit (MSU) waiting list. Individuals are added to the Clearinghouse when HHSC receives the required paperwork from the court. Ms. Boyd-Ostrout noted that HHSC has made a change in the MSU waiting list procedure so that individuals are added when electronic court notice is received rather than when the full packet of admission information is delivered. She also noted that HHSC is working on a single mailbox to accept notifications.
- Committee members expressed concern and frustration that the waiting lists and wait times continue to grow. It was noted by committee members that the issues of jail use and emergency room use as proxy for unavailable hospital beds is extremely problematic. In addition, the largest cohort of civil patients waiting for a state hospital bed are already in a community psychiatric bed waiting for transfer; this is a growing issue that is reducing the capacity of the community beds to serve individuals needing short-term acute stabilization.
- Members agreed that in order to understand what is driving the growth in waiting lists, it is important to understand where the individuals are coming from, what their needs are, and where they are going. Committee members noted that factors contributing to growing forensic waiting lists include more Not Guilty by Reason of Insanity (NGRI) acquittals, and growing awareness among defense attorneys of competency issues, resulting in more referrals for competency evaluation.
- Dr. Harvey noted that new grant programs funded by the legislature provide new opportunities for community partnerships to address underlying issues.
- Ms. Trina Ita, Deputy Associate Commissioner, highlighted the importance of staffing, housing, and education issues. She stated that the grant programs will work at the local level and that HHSC needs the direction of this group to identify and address gaps. She noted that HHSC is looking at the intersection between the Behavioral Health Strategic Plan and the issues and work of the JCAFS.
- Mr. Lee Johnson from the Texas Council noted that the legislature also appropriated \$300 million for additional capacity in the state hospital system, including deferred maintenance needs and infrastructure improvements. HHSC staff stated that there is an inpatient mental health plan with three phases outlining the intended use of these funds. Mr. Lee noted the JCAFS should stay focused on implementation of the new legislative investments.
- Dr. Matthew Faubian pointed out that the new funding provided by the legislature will expand inpatient capacity, but completing those projects will take time. In the short term, focus needs to be on discharge opportunities and developing community placements through the new grant programs. Freeing up one long-term state hospital bed could allow six or seven civil patients to be treated.
- Members noted that the new grant programs provide opportunities to develop community-based options, but the matching funds can be a barrier.
- Mr. Johnson stated that the legislature felt it was important for local entities to have some of their own resources invested in the programs. He noted that HB13 initially had higher local match requirements, and that these were reduced after discussion with constituents.
- HHSC staff stated that there will be a funder summit for these programs, which is intended to identify opportunities for private funders to partner with local entities in supporting the new grant projects.

- Ms. Lynda Frost, Hogg Foundation stated they are co-hosting the funder summit. She stated that the conversation is around challenges foundations have related to timing and other match requirements.
- Ms. Trina Ita, Deputy Associate Commissioner stated that the Coordinating Council will be monitoring implementation of the new grant programs. HHSC is committed to working collaboratively with stakeholders to ensure that individuals are getting the right treatment in the right place. The JCAFS members can help identify gaps at the local level and proposals for addressing them. This information can be compiled in advance of the next legislative session and presented to the Coordinating Council for consideration.
- It was suggested that a presentation on the work of the Coordinating Council would be helpful for committee members. In addition, having a representative from the Office of Court Administration would provide greater understanding of the role of that office with regard to forensic patients.
- Associate Commissioner Sonja Gaines underscored the opportunities presented by the new grant programs. She noted that HHSC is committed to breaking down silos and using data-driven decisions to improve services, and agreed that the JCAFS has a critical role in partnering with the agency and providing information and recommendations to guide planning and implementation.

Agenda Item 6: Update on access subcommittee activities

Ms. Tamara Allen provided an update on access subcommittee activities and referenced PowerPoint presentation entitled "Issues Identified through Utilization Review." Highlight of update and committee member discussion included:

- Ms. Allen shared the following process that is being implemented by the subcommittee:
 - The subcommittee reviews the Hospital Bed Allocation Report (HBAR) to identify outliers for review.
 - Reviews are conducted through data reviews and phone calls that include representatives from the local authority and the associated state hospital.
 - Resource needs and issues are addressed, with the goal of identifying additional strategies that may be useful and state-level issues to be addressed by the JCAFS.
 - Six LMHAs have participated in the teleconferences looking at both ends of utilization.
- The presentation generated discussion around the need to support and encourage local stakeholders in making greater use of clinically appropriate alternatives to inpatient care, both for competency restoration and for NGRI patients no longer requiring inpatient care.
- Dr. Matthew Faubian underlined the need to work with the judiciary to help them gain comfort with community-based options. The harder it is to get individuals into the state hospital, the more reluctant judges will be to try community alternatives. They need assurance that the state hospital can provide a safety net should the need arise.
- Associate Commissioner Sonja Gaines referenced the new grant funding as a resource to implement community-based competency restoration programs. She recognized the concerns that local courts and communities may have in using such options and suggested the state could offer mediation to address those concerns.

Agenda Item 7: Public comment

No public comment was offered during this time.

Agenda Item 8: Adjourn

Mr. Donald Lee adjourned the meeting at 11:19 a.m.

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